

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DAVID CLANCY, *et al.*,

No. C 07-0868 SBA

Plaintiffs,

**ORDER**

v.

ALBERTO GONZALES, *et al.*,

Defendants.

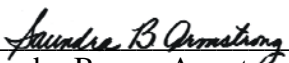
On February 9, 2007, *pro se* plaintiff David Clancy filed a complaint against the defendants. This complaint has not been served within 120 days of the date of filing as required by Federal Rule of Civil Procedure 4(m). Accordingly, it is ORDERED that:

- (1) Plaintiff and/or Plaintiff's counsel of record shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **July 11, 2007, at 4:00 P.M.**, to show cause why the above-captioned case should not be dismissed without prejudice for failure to prosecute.
- (2) At least ten days prior to the above hearing, Plaintiff or Plaintiff's counsel of record must file a Certificate of Counsel with the Clerk of the Court, to explain why the case should or should not be dismissed for failure to prosecute. The Certificate shall set forth the nature of the cause, its present status, the reason it has not been brought to trial or otherwise terminated, any basis for opposition to dismissal by any party, and its expected course if not dismissed.
- (3) Please take notice that this Order requires both the specified court appearance and the filing of the Certificate of Counsel. Failure to fully comply with this order will be deemed sufficient grounds to dismiss the action.

It is further ORDERED that the case management conference currently scheduled for June 27, 2007, at 3:15 PM, is hereby VACATED.

IT IS SO ORDERED.

June 22, 2007

  
Saundra Brown Armstrong  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CLANCY et al,

Plaintiff,

v.

GONZALES et al,

Defendant.

Case Number: CV07-00868 SBA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 26, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Clancy  
2814 Sylhowe Road  
Oakland, CA 94602

Dated: June 26, 2007

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk